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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,520	05/31/2000	Claude M. Leglise	ITL-0391US (P8805)	1973
21906 7590 02/28/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER				
RETTA, YEHDEGA				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
02/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/584,520

**Applicant(s)**

LEGLISE ET AL.

**Examiner**

Yehdega Retta

**Art Unit**

3622

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 66-65.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Yehdega Retta/  
Primary Examiner, Art Unit 3622

Continuation of 11, does NOT place the application in condition for allowance because: Regarding claim 71, applicant argues, since the graphical user interface is not claimed there is no need to have an antecedent basis. The claim however recites "in response to the selection of an indicator on a sign-in graphical user interface". Since the claim does not recite selection of indicator on a sign-in graphical user interface, claiming "in response to the selection of an indicator" requires antecedent basis.

Regarding claim 66, applicant states that the claim specifically requires receiving a plurality of graphical user interfaces, each of that plurality including content related to the products or services of a particular retail vendor and the content being customized based on the information received from the client. Applicant argues that this simply does not happen in BISYS.

According to applicant's invention (see figs below), three graphical user interfaces are provided before the user access the Internet. The first graphical user interface is the sign in interface (see fig. 2). Once user is authenticated the second graphical user interface is provided, which includes five different options (fig. 3). If or when the user selected the "other" option a third graphical user interface (fig. 4) is provided which includes four different options, wherein one of the options is access to an Internet site or to search the Internet (fig. 5 or 6). The graphical user interface also includes the name of the retail store that provides the service, i.e., the "Brick & Mortar Retailers, Inc" displayed on the top (as in fig. 2).

The specification teaches that "the service provider 16 controls the information displayed on the client system 12 and provides Internet and e-mail services as well. Thus, the service provider 16 acts as the Internet service provider for the client system 12. At the same time, the service provider 16 may provide targeted information to the client system 12 on behalf of a particular retail vendor 19" (see page 6&7).

As indicated in the final rejection Rangan teaches in response to log-on by the user (first graphical interface, which is the same as applicant's fig. 2), presents a secure and customized (personalized page same as applicant's fig. 3), the page having a listed plurality of Internet destination enabled by hyperlinks and upon invocation of a hyperlink by the subscriber the portal invokes a URL for the destination (see abstract) (same as applicant's disclosure (see fig. 4). Rangan does not teach wherein the service provider, provides the Internet access service, on behalf of the retail vendor, this is taught in BISYS. As indicated above BISYS teaches FirstLinq (virtual Internet service provider) allowing financial service organization (banks and other financial service organization) to offer traditional Internet access services to their customers and to act as customized web portal sites (selection graphical user interface, same as applicant's (see fig. 3). BISYS teaches this powerful and unique combination enables financial institutions to establish one-stop e-commerce sites, offering Internet access, e-mail with personalized addresses, personal web page hosting and web site design and support services (same as fig. 4 of applicant). BISYS further teaches when used in conjunction with web banking solution FirstLinq allows bank customer to review and select any of the a bank' product or service offering (same as applicant's invention) BISYS teaches the ability to automatically deliver consumers to a bank's web page or portal every time they go online (interface customized with the products & services of the particular vendor or bank) allows the bank to own the primary relationship with its customers. BISYS teaches operating as a portal, banks are positioned as an alternative to national ISP solutions offering online shopping and travel services, investment information and other traditional Internet-based products and services (customized with the banks content). BISYS teaches FirstLinq allows bank customers to review and select any of bank's products or service offerings (selection graphical user interface customized with the vendor content). Therefore, Rangan in combination with BISYS provides customized graphical user interfaces (at least three graphical user interface) provided by service provider on behalf of a retail vendor.

Applicant also argues that the suggestion that customizing the next interface after the sign in interface is inherent should be considered. Applicant argues in order to be inherent the thing must be necessarily present. Examiner would like to point out that even though examiner provided such statement, Examiner also indicated that Rangan teaches the feature of customization based on user preference. Rangan, which was filed in December 8, 1998, teaches a Portal in response to log-on by a user from a user's Internet-connected appliance, presents a secure and personalized page for the user, the personalized page having a list of Internet destinations, pre-selected by the user and enabled by hyperlinks.